

IN RE: PETITION FOR ZONING VARIANCE
NE/S Golden Ring Road, 910' NW
of the c/l of Philadelphia Road
(6708 Golden Ring Road)
14th Election District
6th Councilmanic District
Robert L. Diegel, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 12 feet in lieu of the minimum required 15 feet and a sum of the side yard setbacks of 27 feet in lieu of the minimum required 30 feet for an existing dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Robert L. Diegel, appeared and testified. Also appearing on behalf of the Petitioner was William F. Gephardt. There were no Protestants.

Testimony indicated that the subject property, known as 6708 Golden Ring Road, consists of .291 acres more or less zoned D.R. 16 and is improved with a one-story frame dwelling as indicated on Petitioner's Exhibit 1. Petitioner is desirous of renting the first floor of the subject dwelling and residing on the second floor; however, the subject dwelling does not meet current setback requirements for the use proposed. Testimony indicated the relief requested will not be detrimental to the health, safety or general welfare of the surrounding community and that the conditions delineated in Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) will be satisfied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1991 that the Petition for Zoning Variance to permit a side yard setback on the northeast side of 12 feet in lieu of the minimum 15 feet and a sum of the side yard setbacks of 27 feet in lieu of the minimum required 30 feet for an existing dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired.

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pired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 2, 1991

Mr. & Mrs. Robert L. Diegel
6708 Golden Ring Road
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
NE/S Golden Ring Road, 910' NW of the c/l of Philadelphia Road
(6708 Golden Ring Road)
14th Election District - 6th Councilmanic District
Robert L. Diegel, et ux - Petitioners
Case No. 91-375-A

Dear Mr. & Mrs. Diegel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
Date 7/2/91
By JRH

ORDER RECEIVED FOR FILING
Date 7/2/91
By JRH

ORDER RECEIVED FOR FILING
Date 7/2/91
By JRH

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-375-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 40.2.1. To permit a 12' side yard setback in lieu of the minimum 15' and a 27' side yard setback sum in lieu of 30'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
My home at 6708 Golden Ring Rd 21237 was build 31 yrs ago. My lot runs on a angle with adjacent property in this case I do not have the required 15 ft from my line to adjacent property. My desire is to rent out basement and live in top floor.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name) ROBERT LEE DIEGEL
Signature Robert Lee Diegel
Address 6708 Golden Ring Rd
City and State Baltimore, MD
Attorney for Petitioner:
(Type or Print Name) Robert Lee Diegel
Signature Robert Lee Diegel
Address 6708 Golden Ring Rd
City and State Baltimore, MD
Attorney's Telephone No.: 687-4226

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of April, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of May, 1991, at 10:30 o'clock P.M.

Zoning Commissioner of Baltimore County

MAISTE & WATTS, INC.
SURVEYORS and ENGINEERS

2923 Chenook Avenue
Baltimore, Maryland 21234
(301) 882-0321

January 28, 1991

DESCRIPTION OF NO. 6708 GOLDEN RING ROAD, BALTIMORE COUNTY, MARYLAND

Beginning at a point on the Northeast side of Golden Ring Road, 40 feet wide, at the distance of 910 feet more or less measured Northwesterly from the centerline of Philadelphia Road (Md. Rt. No. 7), thence leaving said place of beginning and running and binding on the Northeast side of Golden Ring Road,
1) North 52 degrees 24 minutes 00 seconds West 97.49 feet, thence leaving Golden Ring Road and running the three following courses and distances, viz:
2) North 50 degrees 28 minutes 00 seconds East 164.12 feet,
3) South 52 degrees 24 minutes 00 seconds East 60.94 feet, and
4) South 37 degrees 36 minutes 00 seconds West 160.00 feet to the place of beginning.

Containing 0.291 acres on 12,676 square feet of Land more or less.



#353

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 14th Date of Posting 7/2/91
Posted for: Variance
Petitioner: Robert Lee Diegel, et ux
Location of property: NE/S Golden Ring Rd, 910' NW of Phila Rd, 6708 Golden Ring Rd
Location of Sign: Along Golden Ring Rd, 910' NW of Phila Rd
Remarks: As per plat with No. 91-375-A
Posted by: Maiste & Watts, Inc. Date of return: 7/14/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25, 1991.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zeke Olson
Publisher

\$66.34

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25, 1991.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

\$66.34

CERTIFICATE OF POSTING
The Zoning Department of Baltimore County will post a public hearing on the proposed variance to the Zoning Regulations of Baltimore County in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-375-A
NE/S Golden Ring Road, 910' NW of Philadelphia Road
6708 Golden Ring Road
14th Election District
6th Councilmanic District
Petitioner(s): Robert Lee Diegel, et ux
Hearing Date: Wednesday, May 22, 1991 at 10:30 a.m.
Variance: to permit a 12 ft. side yard setback in lieu of the minimum 15 ft. and a 27 ft. side yard setback sum in lieu of 30 ft.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
MAY 22 1991

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number:

receipt

Date: 5/2/91

10710055/7

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEE	1	\$35.00
ADJ. ZONING VARIANCE FEE	1	\$35.00
TOTAL		\$70.00

LAST NAME OF OWNER: DIEGEL

04A24H0094MTCBRC
Please Make Checks Payable To: Baltimore County 11214PM03-22-91 \$35.00

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number:

receipt

Date: 9-375

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 5/1/91

Mr. & Mrs. Robert Lee Diegel
6708 Golden Ring Road
Baltimore, Maryland 21237

RE:
Case Number: 91-375-A
NE/S Golden Ring Road, 910' NW of c/l Philadelphia Road
6708 Golden Ring Road
14th Election District - 6th Councilmanic
Petitioner(s): Robert Lee Diegel, et ux
HEARING: WEDNESDAY, MAY 22, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$91.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE OFFICE SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 9, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-375-A
NE/S Golden Ring Road, 910' NW of c/l Philadelphia Road
6708 Golden Ring Road
14th Election District - 6th Councilmanic
Petitioner(s): Robert Lee Diegel, et ux
HEARING: WEDNESDAY, MAY 22, 1991 at 10:30 a.m.

Variance to permit a 12 ft. sideyard setback in lieu of the minimum 15 ft. and a 27 ft. side yard setback in lieu of 30 ft.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Diegel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 8, 1991

Mr. & Mrs. Robert L. Diegel
6708 Golden Ring Road
Baltimore, MD 21237

RE: Item No. 353, Case No. 91-375-A
Petitioner: Robert L. Diegel
Petition for Zoning Variance

Dear Mr. & Mrs. Diegel:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 3rd day of April, 1991.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert L. Diegel, et ux

Petitioner's Attorney:

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

April 10, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: James Dyer

RE: Baltimore County
Zoning meeting of
April 2, 1991
Robert Lee Diegel Property
N/ES Golden Ring Road
MD 588
910' NW of Philadelphia Road
Item 353

Dear Mr. Haines:

We have received the submittal for a variance to permit a 12' side yard setback in lieu of the minimum 15' and offer the following:

Access from Golden Ring Road to this property falls under the jurisdiction of our Resident Maintenance Engineer's office, C/O Mr. Gary Ewers (574-4511).

A permit must be obtained through his office prior to issuance of any building permits.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,
John Contestabile
Chief
Engineering Access Permits
Division

L.Bies

cc: Mr. Gary Ewers w/enc.
Mr. J. Ogle

My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 8, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert Lee Diegel, Item No. 353

In reference to the applicant's requested variance request, this office offers the following comments:

The staff questions whether RTA restrictions will impact the conversion to a two-family dwelling. Since adjacent properties to the northwest and to the southwest (opposite side of Golden Ring Road) are single-family detached dwellings.

In addition, the Office of Planning and Zoning cannot support the applicant's request unless an adequate amount of off-street parking is provided, for example, two spaces per dwelling unit.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM353/ZAC1

Received
5/8/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 18, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 2, 1991

This office has no comments for items number 349, 350, 351, 352, 353 and 354.

Rahee J. Famill
Traffic Engineer II

RJF/lvd

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson MD 21204

887-3353

May 16, 1991

Mr. & Mrs. Robert Lee Diegel
6708 Golden Ring Road
Baltimore, Maryland 21237

Re: Case Number(s) 91-375-A
Petitioner(s) Robert Lee Diegel, et ux
Location 6708 Golden Ring Road

Dear Mr. & Mrs. Diegel:

Please be advised that due to scheduling conflicts beyond our control, the above matters, previously set to be heard on Wednesday, May 22, 1991 cannot go forward on that date.

This case has been rescheduled for JUNE 25, 1991 at 11:00 a.m.

This office regrets any inconvenience caused by this change and thanks you for your cooperation and understanding.

Very truly yours,

G. A. Stephens
(304)887-3391

cc File ✓

#553

91-375-A

December 11, 1990

Department of Zoning & Permits
111 W. Chesapeake Avenue
Room 113
Towson, Maryland 21204

Dear Sirs:

We are attempting to convert our single family home into a two apartment dwelling by making our walk-in basement into a separate apartment with its own electric meter. We were told by our electrician that we need a certificate from Towson before we can proceed with this project.

Attached you will find a plat of our property and a drawing of the proposed apartment layout.

Thanking you for your attention to this matter.

Gratefully,

Robert & Genevieve Diegel
6708 Goldenring Road
Baltimore, Maryland 21237

